

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

**April 28, 2021**

MOTOR CARRIER MATTER

☐

DOCKET NO.

**2020-263-E**

UTILITIES MATTER

☒

ORDER NO.

**2021-294**

**THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.**

**Order Extending the Agreement with True-Up Option Between Parties Until August 28, 2021**

**SUBJECT:**

**DOCKET NO. 2020-263-E** - Cherokee County Cogeneration Partners, LLC,  
Complainant/Petitioner v. Duke Energy Progress, LLC and Duke Energy Carolinas, LLC,  
Defendant/Respondent - Staff Presents for Commission Consideration Cherokee County  
Cogeneration Partners, LLC's Request to Further Extend the Terms of the Power Purchase  
Agreement with Duke Energy Carolinas, LLC and Duke Energy Progress, LLC.

**COMMISSION ACTION:**

Cherokee County Cogeneration Partners, LLC ("Cherokee County Cogeneration") has requested an additional extension of the interim and temporary extension of the terms of the Power Purchase Agreements between Cherokee County Cogeneration and Duke Energy Carolinas, LLC and Duke Energy Progress, LLC (collectively "Duke Companies"). This Agreement was temporarily extended for 120-day period which ended April 30, 2021. On March 1, 2021, Attorney Dulin for the Duke Companies reported that the parties engaged in mediation on February 26, 2021, and that they had not begun discovery but were planning to jointly provide an agreeable procedural schedule on the next steps. The parties stated by letter of March 23, 2021, that it "would be most helpful for the parties [to] attempt to reach consensus on these issues and provide proposed procedural next steps, including a proposed procedural schedule."

As required by our Order No. 2021-189, the parties provided a suggested procedural schedule on April 1, 2021. Other than the parties' suggested hearing date at the end of June 2021, the Commission adopted the procedural schedule of the parties for the submission of prefiled testimony and exhibits. See Order No. 2021-259. The parties have been presented with several options for a hearing date in June, July, August, or September 2021. Just yesterday, the parties advised that the earliest date that they would be available is the week of July 26<sup>th</sup> and that there is no longer a conflict for that date. Within ten (10) days from today, the Clerk is instructed to set a hearing date for this matter as soon as possible during the week of July 26<sup>th</sup> and reserve two days for the hearing.

With regard to the request for additional extensions of the current Power Sales Agreements between Cherokee County Cogeneration and the Duke Companies, I further move that the Commission renew its temporary extension of these agreements for another 120-days, or upon issuance a final order on the merits of the case, whichever occurs first. Day one of the 120-day period is May 1, 2021 and the last day of that period is August 28, 2021.

I move that the Commission shall retain jurisdiction in this matter during this 120-day period to resolve any issues and we reserve the right to consider whether or not it is appropriate to subject the rates charged and/or paid by any Party during this additional 120-day period to true-up. Cherokee should bear the economic risk of any possible overpayment from any extension of the 2012 PPA. I so move.

PRESIDING: J. Williams

SESSION: Regular

TIME: 11:00 a.m.

	MOTION	YES	NO	OTHER	
BELSER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Present in Hearing Room
CASTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Present in Hearing Room
ERVIN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Voting via Webex
POWERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Present in Hearing Room
THOMAS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Voting via Webex
C. WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>	Family Sick Leave
J. WILLIAMS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Present in Hearing Room

(SEAL)

RECORDED BY: J. Schmieding

